

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SAM KHOLI ENTERPRISES, INC.,	§	
Plaintiff	§	
	§	
v.	§	
	§	Civil Action No. W-08-CA-105
TOM R. THOMPSON d//b/a THOMPSON	§	
TRUCKING,	§	
Defendant	§	
	§	
v.	§	
	§	
SAM KHOLI,	§	
Third-Party Defendant.	§	

**TOM R. THOMPSON D/B/A THOMPSON TRUCKING'S
RESPONSE TO ORDER DATED JANUARY 24, 2013**

Tom R. Thompson d/b/a Thompson Trucking files his Response to the Court's Order to Show Cause, and respectfully states:

1. On January 24, 2013, the Court entered its Order [Document No. 151] directing Tom R. Thompson d/b/a Thompson Trucking to show cause why Thompson's Motion to Enforce [Document No. 143] should not be denied for lack of service.

2. Summons was issued by the Clerk of Court on October 16, 2012 for Pierre El-Khoauli [Document No. 147] and Rhode Island Center, Inc. c/o Pierre El-Khoauli as its Registered Agent [Document No. 148]. Since that time, Thompson has diligently attempted to effect personal service on El-Khoauli at his address in San Diego, California and at the address for Rhode Island Center, Inc. in Amarillo, Texas. Personal service of El-Khoauli has proven to be both difficult and expensive.

3. Thompson respectfully requests that the Court not deny his Motion to Enforce [Document No. 143] for lack of service. Thompson continues to attempt to have El-Khoauli personally served, and, in the alternative, will promptly attempt to have El-Khoauli served by leaving a copy of the summons and Thompson's Motion to Enforce at El-Khoauli's dwelling or usual place

of abode with someone of suitable age and discretion who resides there, in accordance with FRCP 4(e)(2)(B).

4. Thompson further requests that his Motion to Enforce [Document No. 143] not be denied for lack of service as to Sam Kholi Enterprises, Inc. and Sam Kholi because he (Mr. Thompson) will be promptly filing a Motion for Default on his Motion to Enforce as it relates to those defendants along with a proposed detailed interlocutory order on the same. Sam Kholi Enterprises, Inc. and Sam Kholi were originally served by serving their then attorneys of record. Subsequently, those attorneys withdrew, as have Mr. Kholi's previous attorneys.

Conclusion

For the reasons stated above, Tom R. Thompson d/b/a Thompson Trucking respectfully requests that his Motion to Enforce [Document No. 143] remain on the Court's docket, and not be denied for lack of service, and for such other relief to which he may show himself to be entitled.

Respectfully submitted,

BAIRD, CREWS, SCHILLER & WHITAKER, P.C.

/s/ Jack R. Crews
JACK R. CREWS
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**ATTORNEYS FOR TOM R. THOMPSON D/B/A
THOMPSON TRUCKING**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing *Tom R. Thompson d/b/a Thompson Trucking's Response to Order dated January 24, 2013*, has been electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorney(s) of record, in accordance with the FEDERAL RULES OF CIVIL PROCEDURE 5(b)(2)(D), on this the 29th day of January, 2013, addressed to:

SAM KHOLI AND SAM KHOLI ENTERPRISES, INC.:

Daniel Anthony Lawton
Lawton Law Firm
402 West Broadway, Suite 1860
San Diego, CA 92101
(619) 595-1520 – Fax

/s/ Jack R. Crews
JACK R. CREWS